

Docket No.: 070456-0115

PATENT

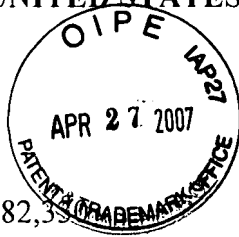
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hitoshi SUMIYA

Application No.: 10/582,339

Filed: June 09, 2006



Customer Number: 20277

Confirmation Number: 4934

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: HIGH-HARDNESS CONDUCTIVE DIAMOND POLYCRYSTALLINE BODY AND
METHOD OF PRODUCING THE SAME

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Missing Requirements of Application dated February 27, 2007. The Notification indicates that the declaration is missing. **It is believed that this Notice was mailed in error.** Submitted herewith is a copy of the executed Declaration and Power of Attorney which was filed with the National Phase Patent Application on June 9, 2006. **This is further evidenced by the date-stamped return receipt postcard and the National Phase Transmittal (PTO Form 1390) dated June 9, 2006.** It is therefore believed that the declaration filed with the National Phase Patent application on June 9, 2006 complies with 37 CFR 1.63.

Applicant respectfully requests that the surcharge fee be waived in view of the U.S. Patent and Trademark Office's issuing the Notice in error, as is apparent from the evidence presented herein.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

070456-0115

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)
Not Yet Assigned

INTERNATIONAL APPLICATION NO

INTERNATIONAL FILING DATE
December 3, 2004INTERNATIONAL APPLICATION NO
December 11, 2003

TITLE OF INVENTION

HIGH-HARDNESS CONDUCTIVE DIAMOND POLYCRYSTALLINE BODY AND METHOD OF PRODUCING THE SAME

APPLICANTS FOR DO/EO/US

Hitoshi SUMIYA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not transmitted by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information.
 - 1) Front page of International Application
 - 2) International Search Report
 - 3) PCT Request
 - 4) PCT/IB/301
 - 5) PCT/IB/304
 - 6) PCT/IB/308 (First and Second Notices)
 - 7) PCT/IB/311

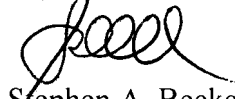
Application No.: 10/582,330

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time or petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen A. Becker

Registration No. 26,527

600 13th Street, N.W.

Washington, DC 20005-3096

Phone: 202.756.8000 SAB:ln

Facsimile: 202.756.8087

Date: April 27, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not yet assigned		INTERNATIONAL APPLICATION NO. PCT/JP2004/018011		ATTORNEY'S DOCKET NUMBER 070456-0115	
				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> The following fees are submitted:					
<input checked="" type="checkbox"/> Basic National Stage Fee		\$300		\$300.00	
22. <input checked="" type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search Fee (37CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$ 400.00	
TOTAL OF 21, 22 and 23 =				\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$0	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	RATE		
15-100	0/50=	0	X\$250	\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	27-20 =	7	x \$50.00	\$350.00	
Independent Claims	5-3 =	2	x \$200.00	\$400.00	
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$360.00	
TOTAL OF ABOVE CALCULATIONS =				\$2010.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$2010.00	
Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0	
TOTAL NATIONAL FEE =				\$2010.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$40.00	
TOTAL FEES ENCLOSED =				\$2050.00	
				Amount to be refunded	\$
				Amount to be charged	\$2050.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>500417</u> in the amount of \$ <u>2050.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u>. A duplicate copy of this sheet is enclosed.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:			June 9, 2006		
Customer Number 20277			SIGNATURE		
Telephone: 202.756.8000			Stephen A. Becker		
Facsimile: 202.756.8087			NAME		
			26,527		
			REGISTRATION NUMBER		

Applicant: <u>Hitoshi SUMIYA</u>		Docket No. <u>070456-0115</u>	Serial No. <u>Not Yet Assigned</u>
Title: <u>HIGH-HARDNESS CONDUCTIVE DIAMOND POLYCRYSTALLINE BODY AND METHOD OF PRODUCING THE SAME</u>		Patent No. _____	
Date Sent: <u>6/9/2006</u>	<input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Express Mail No. _____		
<input checked="" type="checkbox"/> Transmittal Letter			
New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input checked="" type="checkbox"/> PCT <input type="checkbox"/> RCE <input type="checkbox"/> Prov			
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Letter submitting _____ pages of drawings		
15 pages of Specification	<input type="checkbox"/> Req. for Approval of Drawing Amendments		
4 pages of Claims	<input type="checkbox"/> Req. for Oral Hearing		
1 pages of Abstract	<input type="checkbox"/> Not. of Appeal <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief		
- pages of Formal/Informal Drawings	<input type="checkbox"/> Rule 312 Amendment/Letter		
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity	<input type="checkbox"/> Req. for Acknowledgement of Cited Art		
<input checked="" type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Issue Fee		
<input checked="" type="checkbox"/> Recordation of Assignment	<input type="checkbox"/> Publication Fee		
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Req. for Certificate of Correction		
1 Form PTO 1449	<input type="checkbox"/> Maintenance Fee for _____ years after grant		
8 References attached	<input type="checkbox"/> Fee Address Indication Form		
<input checked="" type="checkbox"/> Preliminary Amendment	<input checked="" type="checkbox"/> Copy of International Publication		
<input type="checkbox"/> Response to Missing Parts Notice	<input checked="" type="checkbox"/> International Search Report		
<input type="checkbox"/> Resp. to Notice to Correct App. Papers	<input checked="" type="checkbox"/> Forms PCT/IB/301, 304, 308 (First and Second Notices), and 311		
<input type="checkbox"/> Certified Copy of Priority Doc.			
<input type="checkbox"/> Claim for Convention Priority			
<input type="checkbox"/> Response/Amendment to Office Action of _____			
<input type="checkbox"/> Request for _____ month Extension of Time			

10/582330

Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 2050.00	Atty Init.	SAB	Tkpr. #	4233	Secy. or PL:	AMcClure
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CMS Descrip.:	<u>1-300.00 31-400.00 32-200.00</u>	<u>3-1110.00</u>	<u>4-40.00</u>	<u>EARLY SERIAL NUMBER</u>
THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.				

LAP15 Rec'd PCT/PTO 09 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/582,330	FIRST NAMED APPLICANT Hitoshi Sumiya	ATTY. DOCKET NO. 070456-0115
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20277
 McDERMOTT WILL & EMERY LLP
 600 13TH STREET, N.W.
 WASHINGTON, DC 20005-3096

RECEIVED
 MAR - 1 2007

INTERNATIONAL APPLICATION NO. PCT/JP04/18011	
I.A. FILING DATE 12/03/2004	PRIORITY DATE 12/11/2003

McDermott Will & Emery LLP
 DC Office

CONFIRMATION NO. 4934

371 FORMALITIES LETTER



OC000000022621886

Date Mailed: 02/27/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/09/2006
- Copy of the International Search Report filed on 06/09/2006
- Preliminary Amendments filed on 06/09/2006
- Information Disclosure Statements filed on 06/09/2006
- Request for Immediate Examination filed on 06/09/2006
- U.S. Basic National Fees filed on 06/09/2006
- Assignment filed on 06/09/2006
- Priority Documents filed on 06/09/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

① The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

~~If you are not using EFS-Web to submit your reply, you must include a copy of this notice.~~

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/582,330	PCT/JP04/18011	070456-0115